

Greenberg, Andree@Waterboards

From: Stephen Knight <sknight@savesfbay.org>
Sent: Friday, December 07, 2012 4:05 PM
To: Greenberg, Andree@Waterboards
Subject: Concerns grow in Redwood City over Cargill

Dear Andree -

More headaches for Cargill in the news today, with concerns growing in Redwood City over Cargill's plan to fill in the Bay with housing.

--
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PALO ALTO DAILY NEWS

Why federal jurisdiction over Redwood City's salt ponds matters

By Gail Raabe
12/06/2012

It's been more than six months since Cargill and developer DMB withdrew the initial Redwood City Saltworks development proposal and shifted their attention to federal permitting agencies. The companies have asked the Environmental Protection Agency and the U.S. Army Corps of Engineers to determine whether they have regulatory jurisdiction over the salt ponds. Even though there is no sign yet of a new Saltworks plan, the public's interest and concern surrounding this development continue to grow.

How else do you explain the packed house at a recent community meeting sponsored by Redwood City Neighbors United, where more than 90 people came to the downtown library to learn about "jurisdictional determinations" and the finer points of the Clean Water Act? An evening with Calvin Fong, the former regulatory division chief for the San Francisco district of the U.S. Army Corps of Engineers, was time well spent for residents who now realize there is a lot at stake for Redwood City with this pending decision on federal jurisdiction.

There were several key "take away" messages that all residents of Redwood City and others concerned about developing the salt ponds should know:

1) The Clean Water Act and Rivers and Harbors Act protect against inappropriate fill and mismanagement of waterways, wetlands and other "waters of the United States," ensuring that any fill of San Francisco Bay is avoided or mitigated. The Army Corps and EPA enforce these federal laws.

2) If the agencies determine they do have jurisdiction, the National Environmental Policy Act is triggered, requiring the Army Corps to complete an analysis of the impacts of development and seek public comment. As an agency that is charged with protecting public resources, the Army Corps would conduct an objective analysis of all project alternatives and require either avoidance or mitigation of environmental impacts. Without federal jurisdiction, environmental review and analysis of a revised Saltworks development plan would be limited to only the California Environmental Quality Act, and the process would be under the direction of Redwood City.

3) There is clear precedent for San Francisco Bay salt ponds falling under the jurisdiction of the Army Corps and EPA. Cargill's former salt ponds near Napa are similar to ours in Redwood City and the Army Corps required permits for the restoration work that is currently underway there. The Army Corps also asserted jurisdiction over the Redwood City salt pond site where Westpoint Marina was recently constructed.

While we wait for the final decision on jurisdiction, there is growing concern that Cargill and DMB are asking the federal agencies to reverse long-standing regulatory policies for their benefit. If it is appropriate to have federal oversight of restoration projects in salt ponds, isn't it even more important for the Army Corps to have permitting authority over permanent development that could forever alter our Bay? Local residents expect that EPA and Army Corps actions related to Redwood City's salt ponds will be consistent with the regulatory oversight they have provided in other parts of the Bay.

Redwood City Neighbors United will continue to keep the community informed as this important process moves forward. Visit rcnu.org to sign up to receive Saltworks updates and information on future educational events.

Gail Raabe is on the Steering Committee of the local advocacy group Redwood City Neighbors United: Responsible Growth -- Not Saltworks.

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